

Claims under this section can not be paid out of a trust fund devoted to a special purpose. An insurance adjuster does not come under the purview of this section. The term "employee" defined and the object of this section discussed. Cases distinguished. Casualty Ins. Company's Case, 82 Md. 565. And see *Mowen v. Nitsch*, 103 Md. 687.

An attorney-at-law does not come under the purview of this section. The terms "servant or employee" discussed. *Lewis v. Fisher*, 80 Md. 140.

Prior to this section, corporations were not subject to our insolvent laws, and this section does not make them so. If this section were so construed, it would be in conflict with article 3, section 29 of the state constitution. *Ellicott, etc. Co. v. Speed*, 72 Md. 23.

This section referred to by way of illustration. *Parlett v. Dugan*, 85 Md. 410.

1904, art. 47, sec. 16. 1888, art. 47, sec. 16. 1860, art. 48, sec. 14. 1854, ch. 193, sec. 14. 1880, ch. 172.

16. If the notice to creditors hereby required shall not be given, or if the insolvent shall fail to appear upon any occasion upon which his appearance is required, the court may, in its discretion, fix another day and order new notice.

For a case dealing with a prior insolvent law, but bearing upon this section, see *Elder v. Reaney*, 13 Md. 240.

Cited but not construed in *Bayles v. Ellicott*, 9 Gill, 455.

*Ibid.* sec. 17. 1888, art. 47, sec. 17. 1860, art. 48, sec. 15. 1827, ch. 70, sec. 8. 1854, ch. 193, sec. 15.

17. Any property or debts not mentioned in the schedule of any insolvent may be taken under a *feri facias* or attachment, at the suit of any creditor, except such as may be exempted by law; but nothing in this section shall be construed to impair the right and title of the trustee to such property or claims as provided by this article, but shall only operate to give the judgment creditor who shall discover such property or claims a priority, to be paid out of the proceeds thereof.

The first clause of this section means creditors who have obtained judgments prior to the filing of the petition. *Becker v. Whitehill*, 55 Md. 574.

This section, in connection with sections 1 and 2, makes it evident that all the insolvent's property whether mentioned in the schedule or not, save that excepted in section 1, vests in the trustee. *Zeigler v. King*, 9 Md. 333.

While the creditor has a lien, it does not divest the trustee of his title or right of possession. *Waters v. Dashiell*, 1 Md. 472.

This section protects the creditor who has issued against property not included in the schedule, to the same extent as section 11 does those creditors who proceed prior to the petition in insolvency. *Manahan v. Sammon*, 3 Md. 474.

For a case drawing a distinction between rents which were and were not open to execution or attachment under this section, see *Hupe v. Seibert*, 4 Gill, 246.

Cited but not construed in *Buckey v. Snouffer*, 10 Md. 160 (dissenting opinion); *Hall v. McPherson*, 3 Bl. 536.

As to property not mentioned in the schedule vesting in the trustee, see sec. 2.

*Ibid.* sec. 18. 1888, art. 47, sec. 18. 1860, art. 48, sec. 16. 1854, ch. 193, sec. 16. 1880, ch. 172. 1894, ch. 93.

18. The clerks of the circuit courts may receive the petitions under this article, and appoint the preliminary trustee mentioned in this article, and approve his bond, as well as the bond of the permanent